

The South Carolina State Conference of
the NAACP, et al v. Alexander, et al
CA No.: 3:21-cv-03302-MGL-TJH-RMG

EXHIBIT C

*Senate Defendants and House Defendants' Motion
in Limine to Exclude Testimony of Plaintiffs'
Putative Expert Jordan Ragusa*

June 28, 2022
Deposition Transcript of
Jordan Ragusa

Jordan M. Ragusa , Ph.D.
The South Carolina State Confvs.McMaster/Alexander

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UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

THE SOUTH CAROLINA STATE CONFERENCE OF
THE NAACP, et al.,
Plaintiffs,
vs. CASE NO. 3:21-cv-03302-MBS
TJH-RMG
THOMAS C. ALEXANDER, et al.,
Defendants.

VTC
DEPOSITION OF: JORDAN M. RAGUSA, PH.D.
(Appearing by VTC)
VOLUME II (Pages 176 - 344)
DATE: June 28, 2022
TIME: 10:03 a.m.
LOCATION: College of Charleston
Charleston, SC
TAKEN BY: Counsel for the Defendants
REPORTED BY: Susan M. Valsecchi, CRR
Registered Professional Reporter
(Appearing by VTC)

1 your deposition earlier; and you know, Dr. Ragusa,
2 you've been -- your report has been offered by the
3 Plaintiffs as an expert witness, right?

4 MR. FREEDMAN: Objection.

5 THE WITNESS: That's my understanding,
6 yes.

7 BY MR. TYSON:

8 Q. In what field or topic do you contend
9 you are an expert?

10 A. I often describe my expertise in
11 American politics as a generalist, and what I mean
12 by that is that my research and my teaching covers
13 a lot of different topics.

14 Some of my research is on the U.S.
15 Congress, some of it covers political parties. I
16 also write papers on elections and voting behavior,
17 as well as South Carolina politics.

18 So on the one hand, my expertise
19 touches on a lot of things that encompass
20 redistricting. At the same time, my second field
21 of expertise is research methodology and
22 statistics. Obviously, when we're talking about
23 redistricting, we're talking about a lot of data,
24 and my expertise is in how we can use data to
25 understand political and social phenomenon.

1 MR. FREEDMAN: Object to form.

2 THE WITNESS: So, again, I wouldn't
3 concede that understanding the outcomes is
4 inconsequential. I think it is incredibly
5 consequential.

6 BY MR. TYSON:

7 Q. Agreed.

8 A. What I would say is that my expertise
9 on elections and South Carolina politics, and most
10 importantly how we can use data to understand those
11 things, is central to this matter. And it is on
12 the front end, as you put it.

13 Q. All right. Well, let's walk through
14 that just a little bit, just your expertise, you
15 said, in elections.

16 What expertise is that, that you
17 just -- how would you describe that?

18 A. So I've published a paper on special
19 elections to the U.S. House that concerns which
20 candidates win special elections and why. That's
21 not unlike the issue at hand.

22 Q. How so?

23 A. In the sense that we want to know how
24 factors about a district could shape future
25 outcomes.

1 Q. Okay, we'll just leave that as that, I
2 hear you; I'm not sure I see the link as clearly as
3 you describe it.

4 Let me just go back through, then. You
5 started to mention some things.

6 Neither of the two books that you
7 co-authored were about redistricting, though,
8 correct?

9 A. Not redistricting specifically,
10 although I would note that the book on the South
11 Carolina primary is relevant in this context.

12 Q. How so?

13 A. One of the key features of the book on
14 the South Carolina primary is describing the
15 electorate in South Carolina, that, demographically
16 speaking, it talks a lot about race in South
17 Carolina politics; and those are all subjects that
18 I think come into play in this case.

19 Q. But it's about the South Carolina
20 presidential primary, right?

21 A. Correct.

22 Q. Yeah. And that doesn't affect
23 redistricting. That's just -- you're just
24 analyzing the voters of South Carolina? Is that
25 what you're talking about?

1 MR. FREEDMAN: Object to form.

2 THE WITNESS: Yes, sir, it's analyzing
3 South Carolina's primary voters, but
4 broadly, it's about the demographics of the
5 state and in particular the central role
6 that African Americans play in the
7 democratic primary. And so that parallels
8 in many ways what I'm doing in this matter.

9 BY MR. TYSON:

10 Q. All right. Well, how about your dozen
11 peer-reviewed articles on legislative politics,
12 political parties, national elections, political
13 economy, and South Carolina politics; they don't
14 have anything specific on redistricting either, do
15 they?

16 MR. FREEDMAN: Object to form.

17 THE WITNESS: I would say it depends on
18 how you define specific.

19 Again, my contention is that all of
20 those subjects are relevant to redistricting
21 and that, you know, knowing about those
22 topics can help inform an analysis of the
23 redrawn map.

24 BY MR. TYSON:

25 Q. But if somebody was going to look up

1 and they were doing research on redistricting, they
2 wouldn't go to your political economy peer-reviewed
3 article to found out anything about redistricting,
4 would they?

5 MR. FREEDMAN: Object to form.

6 THE WITNESS: I don't know that it
7 would be the first source that they consult.

8 BY MR. TYSON:

9 Q. Political parties, that's not about
10 redistricting, though, specifically, is it?

11 MR. FREEDMAN: Object to form.

12 THE WITNESS: Again, I think we're
13 discussing what is meant by specifically. I
14 think that political parties play a very
15 important role in redistricting.

16 BY MR. TYSON:

17 Q. How about your two authored book
18 chapters, your two book chapters; they don't have
19 anything specifically to do with redistricting, do
20 they?

21 A. No, those two are fairly far removed
22 from the topic of redistricting, but what I would
23 say is that both of those are quantitative papers
24 that use statistical analysis to try to understand
25 a political outcome.

1 Q. So they would be kind of the second leg
2 of your expertise, is how you would -- that would
3 be how you would deem yourself to be an expert
4 there?

5 MR. FREEDMAN: Object to form.

6 THE WITNESS: I think that's fair, yes.

7 BY MR. TYSON:

8 Q. How about your two works in progress,
9 they're not about redistricting, right?

10 MR. FREEDMAN: Object to the form.

11 THE WITNESS: No, they are not, but I
12 would give the same answer, that they are
13 quantitative papers that use data to try to
14 understand political phenomena.

15 BY MR. TYSON:

16 Q. Gun owners in Congress doesn't have
17 anything to do with redistricting, right?

18 A. Not as a subject matter, no.

19 Q. "Locked, Loaded, and Legislating: An
20 Examination of Gun Owners in Congress," that
21 doesn't have anything to do with it, right?

22 A. Again, the subject matter may not be
23 relevant, but it is a quantitative piece that uses
24 political data to try to understand something that
25 is, at its essence, political.

1 Q. When I look at your op-eds, editorials,
2 and other publications, I don't see any of these
3 30-some-odd published -- these publications that
4 have anything specifically to do with
5 redistricting.

6 Can you point me to anything that
7 has -- any of these that have any specific
8 reference to redistricting?

9 MR. FREEDMAN: Object to form.

10 THE WITNESS: I'd have to review them
11 to know for sure. I may have mentioned
12 redistricting in a piece or two; I'm not
13 confident on that.

14 But, again, I would say that most of
15 those are about elections, South Carolina
16 politics, the U.S. Congress, voting
17 behavior, and the like, all topics that, in
18 one way or another, matter when we talk
19 about redistricting.

20 BY MR. TYSON:

21 Q. Well, you've got, it looks like, 6, 7,
22 8, 10 of them were about all the Democratic
23 candidates in the Democratic presidential primary
24 back several years ago.

25 Those wouldn't involve redistricting,

1 right? Tom Steyer, Pete Buttigieg, Amy Klobuchar,
2 Bernie Sanders, Joe Biden, those don't have any
3 reference points; do they?

4 A. Again, not specifically, but they are
5 about those candidates and how they would perform
6 in the South Carolina primary, where one of the
7 important pieces of that is describing the South
8 Carolina electorate and what makes our voters
9 unique.

10 Q. And you've got -- you referenced some
11 consulting work. Clearly none of that has anything
12 to do with redistricting, right?

13 A. No, although, again, I think that would
14 touch on the second leg, as I believe you put it.

15 They are all consulting projects where
16 my expertise was sought as a methodologist, that
17 is, as someone who can take political and social
18 data and help make sense of it.

19 Q. As we were talking about this
20 redistricting process, the first part of it, you
21 don't have any experience in that, correct?

22 MR. FREEDMAN: Object to form.

23 THE WITNESS: Can you clarify what you
24 mean by experience?

25 BY MR. TYSON:

1 Q. Yeah, I mean just, have you ever
2 represented a governmental entity to help them draw
3 any district lines?

4 A. No, sir.

5 Q. Have you ever analyzed anybody's -- any
6 governmental entity -- school board, city council,
7 county council, legislative bodies -- redistricting
8 lines prior to this litigation?

9 MR. FREEDMAN: Object to form.

10 THE WITNESS: No, sir.

11 BY MR. TYSON:

12 Q. I'm sorry, what did you say?

13 A. No, sir.

14 Q. No, sir?

15 I think you mentioned in your earlier
16 deposition that you had a software, or the software
17 that you used had a component where it would allow
18 you to draw a district or to draw -- and I think
19 you said you played around or tampered with that or
20 tinkered with that.

21 Is my memory right?

22 MR. FREEDMAN: Object to form.

23 MR. TYSON: That's correct. I use a
24 software package called Stata, which is a
25 very common package among both political

1 figuring out how to do -- how to do that analysis
2 for the congressional plan?

3 A. Yes.

4 Q. Okay. And you did that, right?

5 A. Correct.

6 Q. Yeah. And you came up with the
7 statistical modeling that you used to analyze the
8 plan, correct?

9 A. Can you define what you mean by came up
10 with --

11 Q. Yeah.

12 A. -- the statistical modeling?

13 Q. Yeah, thank you, that was -- that needs
14 to be defined. Let's step back a little bit. How
15 did you analyze the plan? What was your modeling?
16 Can you describe it for me?

17 MR. FREEDMAN: Object to form. Go
18 ahead.

19 THE WITNESS: I can.

20 In the three models that I estimate,
21 the dependent variable is three different
22 versions of how the VTDs and thus voters
23 were moved around between the districts.

24 The specific statistical routine that I
25 use is something known as logistic

1 regression, which is not mine; that is a
2 very common technique used in the social
3 sciences to analyze outcomes that have a
4 one-zero dependent variable.

5 In this case, the ones and zeros
6 indicate whether a VTD was added to and/or
7 removed from the district.

8 So to answer your question, the
9 statistical routine is not mine; it's a very
10 common basic technique. What is mine is
11 using the data in this specific context.

12 BY MR. TYSON:

13 Q. All right. You said what is yours is
14 using the data in this specific what?

15 A. In this specific context.

16 Q. Context, okay.

17 A. That is, data on South Carolina's
18 redrawn map from 2020.

19 Q. And when you describe that, are you
20 talking about using -- analyzing this county
21 envelope -- taking this county envelope and then
22 determining what VTDs were in that in the prior
23 district compared to the new one, or which ones
24 were moved out that could have gone? Is that what
25 you're describing?

1 out and kept out.

2 Q. And let me -- this methodology that
3 you're talking about, did you talk to anybody else
4 about using this prior to conducting your analysis
5 this way?

6 A. I did not.

7 Q. Has it been peer-reviewed before?

8 A. No, because there has not been
9 sufficient time for me to submit the data to a
10 journal, have it refereed, and receive a decision.

11 But what I would say is that the
12 statistical routine that I'm using, logistic
13 regression, is something that I've used in
14 peer-reviewed articles, and my peer-reviewed
15 articles, of course, use various kinds of
16 demographic data in a similar manner that I'm using
17 in this report.

18 Q. Have you seen anyone else that had used
19 this methodology that had been peer-reviewed by
20 others, not just whether you've done it but whether
21 you've seen it anywhere else?

22 MR. FREEDMAN: Object to form.

23 THE WITNESS: You would have to be
24 specific about which elements of the
25 methodology.

1 If you're referring to logistic
2 regression, I can't put a number on the
3 number of articles that have been refereed
4 that have used that method. We're talking
5 tens or hundreds of thousands.

6 BY MR. TYSON:

7 Q. Right. Let's move to kind of this
8 unique approach where you have taken the county
9 envelope and have described the moving in and out
10 of the VTDs. How about that portion of it? Have
11 you seen that peer-reviewed anywhere before?

12 A. I don't know off the top of my head;
13 however, it's the kind of methodology that is
14 unlikely to be used except for in this very
15 specific context. It's something that has more
16 applied applications.

17 Q. It has what? I'm sorry.

18 A. It has more of an applied application
19 rather than one that tends to make it into academic
20 articles.

21 Q. But you're not aware of anybody's prior
22 analysis of redistricting plans that have applied
23 this application, though, are you?

24 MR. FREEDMAN: Object to form.

25 THE WITNESS: Well, the Stephen

1 Ansolabehere report does. To my knowledge,
2 that has not been peer-reviewed.

3 BY MR. TYSON:

4 Q. Just the last kind of question along
5 those lines, is there any information -- or it's
6 accurate to say that there's no information in
7 existence to research your methodology of analyzing
8 the congressional plan as to this component of the
9 county envelope, correct?

10 MR. FREEDMAN: Object to form.

11 THE WITNESS: I don't understand the
12 question. Can you repeat it or restate it?

13 BY MR. TYSON:

14 Q. Yeah, let me try again.

15 I'm just kind of trying to -- you've
16 got this notion of looking at the county envelope
17 and moving the VTDs in and out.

18 And what I'm just trying to understand,
19 is there analysis or information about that
20 anywhere out there besides what you just
21 referenced, Ansolabehere's report?

22 MR. FREEDMAN: Object to form.

23 THE WITNESS: There are papers that
24 look at how precincts or VTDs are moved
25 around as a way to assess redistricting.

1 figure out. The communities of interest that are
2 contained in the counties, within the counties, how
3 do they factor into this analysis?

4 MR. FREEDMAN: Object to form.

5 THE WITNESS: They are part of the
6 entire package of VTD changes that I'm
7 examining.

8 BY MR. TYSON:

9 Q. So you just looked at the numbers and
10 then just concluded, because the VTD was changed,
11 or population changed, or this was done last time,
12 then that community of interest is captured; is
13 that what you're saying?

14 MR. FREEDMAN: Object to form.

15 THE WITNESS: What I would say is that
16 communities of interest are part and parcel
17 to the analysis that I'm doing.

18 BY MR. TYSON:

19 Q. But you're not looking at Charleston
20 County to see whether the residents of Hollywood,
21 South Carolina remain whole as a community of
22 interest within a congressional district; you're
23 not doing that type of analysis, right?

24 A. That's correct, yeah.

25 Q. Have you looked at the congressional

1 plan, not the numbers, but just looked at the map?

2 A. I have.

3 Q. Are you aware of what the 2012 map
4 looked like?

5 A. Generally speaking, yes.

6 Q. Were you able to look at it and try to
7 compare, just eyeball the new map and how it
8 compares against the prior map?

9 (Technical difficulties.)

10 THE WITNESS: I'm having some kind of
11 audio trouble.

12 (Off-the-record discussion.)

13 BY MR. TYSON:

14 Q. My question was just did you -- did you
15 look at the map, the new map, the congressional map
16 that's been challenged here? And your answer was
17 yes. And then you said you're generally familiar
18 with the prior map, right?

19 A. Yes, my report looks at the raw data,
20 the raw population data, and how voters were moved
21 between the districts. I don't analyze the
22 geography of the districts per se, but it is, of
23 course, something that I looked at in the course of
24 this work.

25 Q. And that's what I was talking about, I

1 MR. FREEDMAN: Object to form.

2 THE WITNESS: It could, yes.

3 BY MR. TYSON:

4 Q. And so if you move that into the
5 district, or you assert, as your analysis, that it
6 was left in or left out, wouldn't that have the
7 potential to really alter a -- what a congressional
8 district looks like?

9 A. Again, it depends on whether you're
10 talking geographically or demographically.

11 Q. Both.

12 A. So geographically, it could. If the
13 district goes into a small portion of a county,
14 then the addition of one on the other side would
15 geographically change the contours of the district.
16 Demographically, it would depend.

17 Q. All right. Let me understand it.

18 For a redrawn map, you're not saying
19 that it could reach out and take a VTD, skip over
20 closer ones and grab one on the other side of the
21 county just because it's in the county envelope,
22 though, are you?

23 MR. FREEDMAN: Object to form.

24 THE WITNESS: No, because, as I
25 understand your question, that district

1 Q. And my point is, once that's done,
2 that's going to have an impact on what the old
3 district looks like and what the new district looks
4 like, correct?

5 A. It would have an effect on what the new
6 district looks like, yes.

7 Q. And as you said correctly, depending
8 on -- it impacts more, depending on whether we're
9 talking about geography or population. So I
10 understand that. But it will have an impact on it.

11 And, then, so my question is, that
12 analysis that you're talking about is based solely
13 on numbers, solely on the number of persons, right?

14 MR. FREEDMAN: Object to form.

15 THE WITNESS: That's correct. You
16 know, I think one of the advantages of an
17 approach like mine is that I don't have any
18 preconceived notions about what a proper map
19 should look like.

20 I don't say anything in my report about
21 what's a good map, what's a bad map, whether
22 certain choices that were made were
23 permissible or impermissible. I'm simply
24 looking at the data corresponding to the
25 choices that mapmakers made, and reporting

1 BY MR. TYSON:

2 Q. Just because race is a factor doesn't
3 make it the predominant factor, though, correct?

4 MR. FREEDMAN: Object to form.

5 THE WITNESS: That's possible, yes.

6 BY MR. TYSON:

7 Q. Yeah, or it doesn't make it the
8 controlling factor, right?

9 MR. FREEDMAN: Object to form.

10 THE WITNESS: That's certainly
11 possible, yes.

12 BY MR. TYSON:

13 Q. Because we just went through all of
14 those other redistricting criteria that we know the
15 mapmakers used, so we know that race couldn't be
16 the predominant factor, correct?

17 MR. FREEDMAN: Object to form.

18 THE WITNESS: I wouldn't concede that,
19 no.

20 BY MR. TYSON:

21 Q. Why not?

22 MR. FREEDMAN: Object to form.

23 THE WITNESS: Again, I would say that
24 some of the other criteria are present in my
25 analysis, and not having examined all of

1 those other criteria, I can't say, you know,
2 whether mapmakers were following them at the
3 expense of race, in spite of race. Those
4 are all not things my report -- those are
5 things my report does not speak to.

6 BY MR. TYSON:

7 Q. Yeah, so you can't conclude one way or
8 the other, is my point, but your report clearly
9 doesn't say race was the predominant factor in the
10 construction of these congressional districts;
11 let's be clear on that.

12 MR. FREEDMAN: Object to form.

13 THE WITNESS: Again, I don't use the
14 word predominance specifically. What I do
15 say is that race was a significant factor in
16 the design of five of the seven districts.

17 BY MR. TYSON:

18 Q. And you also -- you say that it was a
19 factor, but you also don't conclude in any of those
20 five that there was any discriminatory intent,
21 correct?

22 MR. FREEDMAN: Object to form.

23 THE WITNESS: Once again, that's a
24 legal question, one that's not addressed in
25 my report.

1 MR. FREEDMAN: Object to form.

2 THE WITNESS: I have demographic
3 factors in my analysis for all of those
4 places, the racial composition of those
5 places, the partisanship of those places,
6 and whether the VTDs are large or small,
7 which would correlate with whether they're
8 urban or rural.

9 BY MR. TYSON:

10 Q. You didn't look at whether there was a
11 neighborhood that needed to be protected or
12 preserved and put together, did you? You just
13 looked at the numbers of the VTDs, correct?

14 A. Something that granular is not in my
15 analysis, no.

16 Q. Governmental jurisdictions, you didn't
17 look at what the county border or the city border
18 was, did you?

19 MR. FREEDMAN: Object to the form.

20 THE WITNESS: I don't have a city
21 border variable in my analysis, no.

22 BY MR. TYSON:

23 Q. You didn't look at split precincts or
24 anything like that, did you?

25 A. I didn't independently analyze split

1 aspect of Model 1. I would say those three
2 criteria are all firmly part of my analysis.

3 BY MR. TYSON:

4 Q. Let me ask you this, have you reviewed
5 the Complaint?

6 A. I have not.

7 Q. Do you know what the challenged
8 congressional districts are?

9 A. I don't.

10 Q. What would it say to you that if you
11 said race was a significant factor in five of the
12 districts but only three of the districts were
13 challenged?

14 MR. FREEDMAN: Object to form.

15 BY MR. TYSON:

16 Q. How would that affect your -- what does
17 that say to you?

18 MR. FREEDMAN: Object to form.

19 THE WITNESS: I think it says a few
20 things. I mean, one, I would reiterate a
21 point from earlier that my report is one
22 among many pieces of evidence that could be
23 used in this case. Evidence can sometimes
24 point in different directions.

25 The second thing I would say is that --

1 other factors besides just these numerical data.
2 You know, you have pulled data and you've looked at
3 race based on these numbers that you have, but you
4 didn't look at any of the other things that you
5 just analyzed on why a district might be
6 challenged, correct?

7 MR. FREEDMAN: Object to form.

8 THE WITNESS: Yeah. As I understand
9 your question, I'm not looking at the -- why
10 districts were drawn the way that they were.
11 I'm examining the choices that mapmakers
12 made.

13 BY MR. TYSON:

14 Q. And Congressional District 3, you
15 concluded that race was a significant factor in two
16 of the models, correct, two of your models?

17 A. That's correct.

18 Q. And wouldn't you think that would lead
19 to some sort of correlation to a challenged
20 district?

21 MR. FREEDMAN: Object to form.

22 THE WITNESS: Again, it could be that
23 others have determined that even though race
24 was a factor in the design of Congressional
25 District 3, that was not impermissible, and

1 versus whether -- how many of those there were
2 versus the last time, did you?

3 A. I don't report precinct splits in my
4 analysis, no.

5 Q. You didn't look at compactness, right?

6 A. That's right.

7 Q. You didn't look at the core retention,
8 right?

9 A. I would qualify that. I would say the
10 core retention is part of Model 2 in my analysis.
11 If you're asking whether I report core retention
12 statistics, I do not.

13 Q. You said that you looked at some
14 communities of interest. You argued, I think, that
15 it was baked in there because it talked about the
16 county, and you looked at it, what the county was,
17 and then whatever the numbers might be in the VTDs,
18 but you didn't look at anything beyond just those
19 kind of generic or general communities of interest
20 did you?

21 MR. FREEDMAN: Object to form.

22 THE WITNESS: What I would say is that
23 by looking at counties, that in part
24 encompasses communities of interest.

25 By looking at the district as it was

1 previously drawn and all the VTDs contained
2 within the prior district, that in part gets
3 at communities of interest. And by looking
4 at demographic factors, like partisanship
5 and race and precinct size, that, in a way,
6 gets at communities of interest.

7 But to your earlier question, on very
8 granular levels, looking at neighborhoods,
9 no, that is not something contained in my
10 analysis.

11 BY MR. TYSON:

12 Q. And so you didn't look at political
13 subdivision boundaries that were protected either,
14 did you?

15 MR. FREEDMAN: Object to form.

16 THE WITNESS: Not explicitly, although
17 splits and repaired splits are included in
18 my analysis.

19 BY MR. TYSON:

20 Q. But more importantly, one of the most
21 important aspects that you didn't look at was
22 public input, correct?

23 MR. FREEDMAN: Objection, form.

24 THE WITNESS: I did not review the
25 transcripts or the live proceedings of

1 don't know if that methodology has ever been
2 subjected to any peer review; is that right?

3 MR. FREEDMAN: Object to form.

4 THE WITNESS: I believe Mr. Tyson was
5 asking about the county envelope method
6 specifically, and that is correct. I don't
7 know whether that very specific approach has
8 been peer-reviewed.

9 BY MR. MOORE:

10 Q. And I believe what you told me in
11 reference to the House districts, is that you used
12 your own methodology. I believe I called it, at
13 one point, the Ragusa method, right?

14 A. I remember that, yes.

15 Q. And as I believe you told me, the
16 Ragusa method, to your knowledge, has not been
17 subjected to any sort of peer review; is that
18 right?

19 MR. FREEDMAN: Object to form.

20 THE WITNESS: I believe I said that in
21 the prior deposition, yes.

22 BY MR. MOORE:

23 Q. And you used similar methodologies here
24 to prepare your report here; did you not, Doctor?

25 MR. FREEDMAN: Object to form.

1 THE WITNESS: Are you referring to my
2 congressional report or are we still talking
3 about --

4 BY MR. MOORE:

5 Q. Yes, sir, I'm referring to your
6 congressional report, not your rebuttal report.

7 A. That's correct. That aspect of my
8 methodology is included in my congressional report.

9 Q. And to your knowledge, it's not
10 peer-reviewed, is it?

11 MR. FREEDMAN: Object to form.

12 THE WITNESS: Again, that one specific
13 piece of my methodology has not been
14 peer-reviewed, to my knowledge.

15 BY MR. MOORE:

16 Q. Are there any other specific pieces of
17 your methodology that have been subject to peer
18 review, Doctor?

19 A. Yes.

20 Q. Which ones, in your opinion?

21 A. So I would say it's important to keep
22 in mind that a methodology has many components.

23 On the one hand, the overall approach
24 is deductive in nature; that is something that I
25 adopt in all of my refereed articles and books. So

1 THE WITNESS: Again, that would be my
2 guess, but I have no way of answering that
3 question.

4 BY MR. TYSON:

5 Q. So are your models overinclusive if
6 they've got this data and it says that it's a
7 significant factor but they're not included as
8 challenged districts? How do we rely on your
9 report, I guess?

10 MR. FREEDMAN: Object to form.

11 THE WITNESS: Can you define
12 overinclusive?

13 BY MR. TYSON:

14 Q. Yeah, I'm just trying to -- I'm a
15 simple fellow, Dr. Ragusa. If you concluded five
16 districts have race as a factor and only three are
17 there, I'm trying to figure out why is your report
18 relevant to anything. So help me.

19 MR. FREEDMAN: Object to form.

20 THE WITNESS: So with respect to CD 6,
21 we know that CD 6 was designed after the
22 1990 census to be a majority-minority
23 district. The BVAP, in the current round of
24 redistricting, is less than
25 majority-minority. I believe the BVAP is

1 somewhere around 45 or 46 percent, but,
2 nonetheless, that still has a sizable
3 percentage of African American voters.

4 I think it would be kind of odd, going
5 back to a question you asked earlier, if
6 race wasn't a factor in the design of that
7 district.

8 So, again, just because race is a
9 factor in my analysis does not mean it's
10 impermissible, and so the decision to not
11 challenge it could be on those grounds.

12 BY MR. TYSON:

13 Q. So couldn't that be true for
14 Districts 1, 2 and 5? There could be other reasons
15 beyond this analysis that you've done related to
16 race as to why those districts were drawn the way
17 that they were to adhere to whatever criteria they
18 might have been drawn to?

19 MR. FREEDMAN: Object to form.

20 BY MR. TYSON:

21 Q. Can the same be true there?

22 A. As I've said many times, I made no
23 claims about whether the changes are good or bad,
24 whether race was used properly or improperly. My
25 analysis simply looks at the question of whether